

PALMER & DODGE LLP
111 HUNTINGTON AVENUE AT PRUDENTIAL CENTER
BOSTON, MA 02199-7613

EILEEN M. HERLIHY
617.239.0646
cherlihy@palmerdodge.com

FILED
12/15/2004 15 P 4:10

U.S. DISTRICT COURT
DISTRICT OF MASS.

December 15, 2004

Honorable Mark L. Wolf
U.S. District Court District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: *In re Columbia University Patent Litigation*, MDL No. 1592 (MLW)

Dear Judge Wolf:

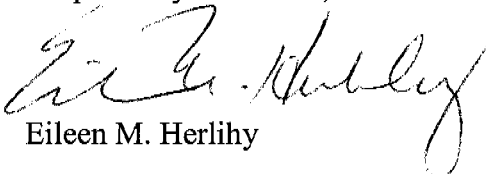
In a Joint Report to the Court Pursuant to Order Dated November 5, 2004, filed December 6, 2004, our clients Amgen Inc. and Immunex Corporation noted that:

Columbia's exclusion of Amgen's affiliates from its Covenant Not To Sue (the "Covenant") has the effect of leaving Columbia's threats of enforcement of the '275 patent active as to Amgen's affiliates, and threatens their current activities. Amgen's affiliates are in process of filing their own claims against Columbia to address this issue, and we expect those claims will be transferred to this Court soon.

Joint Report, p. 16, § E. 1.

Enclosed is a courtesy copy of the Complaint which we filed on behalf of those affiliates today.

Respectfully submitted,



Eileen M. Herlihy

EMH/dcb
Enclosure

cc: All counsel in the MDL proceedings (via e-mail)